

REMARKS

The claims have not been changed. Original Claims 1-14 remain in the application. No new matter is added by the amendment to the specification.

In the Office Action dated July 11, 2005, the Examiner objected to the disclosure because on Page 3, Line 25 "Fig. 5" is missing from the beginning of the line. Applicants amended the paragraph accordingly.

The Examiner rejected Claims 1-14 under the judicially created doctrine of non-statutory double patenting as being unpatentable over Claims 1-12 of copending application 10/612,547 in view of the U.S. Patent No. 4,784,262 to Duddy et al. The Examiner stated that the copending application and the pending claims set forth the same invention of substantially the same scope except the invention of the copending application Claims 1-12 contain a cassette assembly. According to the Examiner, it is well known in the art to provide a cassette assembly (as disclosed and shown by Duddy et al.) for storing and enabling dispensing of loose-piece parts to facilitate the function of apparatus requiring the parts to perform a work step.

Patent application serial no. 10/612,547 has been expressly abandoned as shown in the attached Notice of Abandonment, mailed September 22, 2005. Applicants respectfully submit that a double patenting rejection is now improper since there is no possibility of an extension of the right to exclude with respect to the present application and the serial no. 10/612,547. A terminal disclaimer under 37 CFR § 1.321(c), therefore, is not required.

Applicants believe the present application to be in condition for allowance and favorable action is respectfully solicited.

OCT 03 2005 09:31 FR BUTZEL LONG

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/612,547 | 07/02/2003 | Peter Ingrat | 16450 | 3602 |

50659 7590 09/22/2005

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BY: tbfox
DATE: 9/26/05

EXAMINER

LE, HUNG CHARLIE

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3725

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

SEP 26 2005

WILLIAM J. CLEMENS


OCT 03 2005

| | | | |
|------------------------------|------------------|---------------|--|
| Notice of Abandonment | Application No. | Applicant(s) | |
| | 10/612,547 | IMGRUT ET AL. | |
| | Examiner | Art Unit | |
| | Le, Hung Charlie | 3725 | |

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☐ No corrected drawings have been received.
- ☒ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:


 Barbara J DeBnam
 Management & Program Analyst
 Art Unit 3900

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.